

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KENDALL BROWNE,

Plaintiff,

-against-

P.O. S. RIVERA; CITY OF MIDDLETOWN,

Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 11/07/2023

23-CV-8280 (NSR)

ORDER

NELSON S. ROMÁN, United States District Judge:

Defendants P.O. S. Rivera and City of Middletown (“Defendants”) have filed a Verified Answer, dated November 6, 2023 (ECF No. 11), to Kendall Browne’s (“Plaintiff”) Amended Complaint, dated October 27, 2023 (ECF No. 9). Thus, the Court waives the Initial Pre-Trial Conference requirement and directs the parties to submit a proposed Case Management Plan and Scheduling Order (blank form attached hereto) by November 28, 2023. After review and approval of the Scheduling Order, the Court will issue an Order of Reference to Magistrate Judge Andrew E. Krause for general pretrial purposes. The parties are directed to contact Judge Krause within seven (7) business days of the date of the Order of Reference to schedule a conference.

The Clerk of the Court is directed to mail a copy of this Order to Plaintiff at the addressed listed on ECF and to show service on the docket.

SO ORDERED.

Dated: November 7, 2023  
White Plains, New York

  
Nelson S. Román, U.S.D.J.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
Rev. May 2014

Plaintiff(s),  
- against -

**CIVIL CASE DISCOVERY PLAN  
AND SCHEDULING ORDER**

Defendant(s). \_\_\_\_\_ CV \_\_\_\_\_ (NSR)

-----X  
This Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel, pursuant to Fed. R. Civ. P. 16 and 26(f):

1. All parties [consent] [do not consent] to conducting all further proceedings before a Magistrate Judge, including motions and trial, pursuant to 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences. (If all parties consent, the remaining paragraphs of this form need not be completed.)
2. This case [is] [is not] to be tried to a jury.
3. Joinder of additional parties must be accomplished by \_\_\_\_\_.
4. Amended pleadings may be filed until \_\_\_\_\_. Any party seeking to amend its pleadings after that date must seek leave of court via motion.
5. Interrogatories shall be served no later than \_\_\_\_\_, and responses thereto shall be served within thirty (30) days thereafter. The provisions of Local Civil Rule 33.3 [shall] [shall not] apply to this case.
6. First request for production of documents, if any, shall be served no later than \_\_\_\_\_.
7. Non-expert depositions shall be completed by \_\_\_\_\_.
  - a. Unless counsel agree otherwise or the Court so orders, depositions shall not be held until all parties have responded to any first requests for production of documents.
  - b. Depositions shall proceed concurrently.
  - c. Whenever possible, unless counsel agree otherwise or the Court so orders,

non-party depositions shall follow party depositions.

8. Any further interrogatories, including expert interrogatories, shall be served no later than \_\_\_\_\_.
9. Requests to Admit, if any, shall be served no later than \_\_\_\_\_.
10. Expert reports shall be served no later than \_\_\_\_\_.
11. Rebuttal expert reports shall be served no later than \_\_\_\_\_.
12. Expert depositions shall be completed by \_\_\_\_\_.
13. Additional provisions agreed upon by counsel are attached hereto and made a part hereof.
14. **ALL DISCOVERY SHALL BE COMPLETED BY** \_\_\_\_\_.
15. Any motions shall be filed in accordance with the Court's Individual Practices.
16. This Civil Case Discovery Plan and Scheduling Order may not be changed without leave of Court (or the assigned Magistrate Judge acting under a specific order of reference).
17. The Magistrate Judge assigned to this case is the Hon. \_\_\_\_\_.
18. If, after entry of this Order, the parties consent to trial before a Magistrate Judge, the Magistrate Judge will schedule a date certain for trial and will, if necessary, amend this Order consistent therewith.
19. The next case management conference is scheduled for \_\_\_\_\_, at \_\_\_\_\_. (The Court will set this date at the initial conference.)

SO ORDERED.

Dated:

White Plains, New York

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Nelson S. Román, U.S. District Judge